

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS L. THOMAS,

Petitioner,

Case Number: 06-15465

v.

Honorable John Corbett O'Meara

HUGH WOLFENBARGER,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR REHEARING

Petitioner, Dennis L. Thomas, currently incarcerated at the Macomb Correctional Facility in New Haven, Michigan, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 15, 2008, the Court issued an Opinion and Order Denying Petition for Writ of Habeas Corpus. Now before the Court is Petitioner's "Motion for Rehearing" (Docket #14).

The Local Rules for the Eastern District of Michigan state that in a motion for rehearing or reconsideration "[t]he movant must not only demonstrate a palpable defect by which the court and parties have been misled but also show that correcting the defect will result in a different disposition of the case." L.R. 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest or plain. *Marketing Displays, Inc. v. Traffix Devices, Inc.*, 971 F.Supp. 262, 278 (E.D. Mich. 1997) (citing Webster's New World Dictionary 974 (3rd Ed. 1988)). Further, the Local Rules also provide that "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." L.R. 7.1(g)(3).

Here, Petitioner has not demonstrated that a palpable defect occurred in this Court's decision denying his petition. Moreover, Petitioner's arguments in support of rehearing merely reiterate the arguments previously presented to the Court. His arguments amount to nothing more than a disagreement with the Court's decision. A motion predicated on such an argument is an insufficient ground for a motion for reconsideration. L.R. 7.1(g)(3); *see also, Meekison v. Ohio Department of Rehabilitation and Correction*, 181 F.R.D. 571, 572 (S.D. Ohio 1998). Therefore, this Court must deny Petitioner's motion for rehearing for failing to demonstrate a palpable defect which, if corrected, would result in a different disposition of the case.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Rehearing (Docket # 14) is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: May 5, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 5, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager